

**Amendments To The Drawings:**

None.

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**Amendment**  
**Attorney Docket No. P68.2B-11533-US01**

**Remarks**

This Amendment is in response to the Office Action dated **January 12, 2006**. In the office action, the Examiner objected to claims 1, 10, 19, 30 and 31 on informalities; further objected to claims 17 and 31-33; rejected claims 16-17 under §112; rejected claims 1, 2, 28, 29, 31, 33 and 34 as anticipated by Voves US 4913264; rejected to claims 3-5 and 45 as obvious over Voves in view of Cheney US 2507887; rejected claims 6-7 on the preceding combination further in view of Hoffman US 2888099; rejected claims 8-9 on the preceding combination further in view of Bartlet US 5230405; rejected claims 18, 19, 35-41 and 45 as obvious over Voves in view of Bartlet; rejected claims 21-23 and 42 as obvious over Voves in view of Gauger US 5316258; rejected claim 43 on the preceding combination further in view of Schaffner US 6000758; rejected claim 24 on the combination as applied to claims 21-23, further in view of Dechantsreiter US 3830379; rejected claim 44 on the combination as applied to claims 42-43, further in view of Bartlet. The Examiner also indicated claims 10-16, 20, 25 and 46-47 were allowable, if rewritten in independent form.

The Examiner is thanked for her careful attention to this case. In response to the Examiner's concerns, the applicant has amended the application to help distinguish the claimed invention from the cited art.

**The Invention**

This invention is directed to a stair lift device which is simple to install, easy to use and less expensive to make than prior art devices. One of the aspects of the present invention is that it is made from strong yet light weight materials, including plastic molded teeth which form a track engaged by a carriage mounted plastic spiral drive to propel the carriage along the rail. The present invention can also be easily installed in a left hand wall or right hand wall

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installation, with the same parts arranged slightly differently. Another aspect is that the invention can be positioned very close to the wall, leaving more space free on the stairs for normal use of the stairs. Another aspect of the invention is that the seat of the applicants invention projects forwardly for mounting and dismounting, making the device easier to use than prior art devices.

As filed the application contained 45 claims, of which claim 1 was the only independent claim. In the detailed action, the examiner made certain objections to the claims which have now been addressed as set out below.

#### **Claim Objections**

In claim 10, slideable has been changed to slideably;

In claim 30, the duplication of "one" has been removed;

In claim 31 the word "a" has been removed from the phrase "said a means"

Furthermore, in claim 1 the term seat support post that the examiner had objected to has been removed, and the term seat support has been used instead for clarity. The term seat support is described at page 9, line 27 to page 10, line 1, and is shown in detail in Figure 6 and therefore this amendment is supported and does not add new matter.

In addition, claim 1 has been amended to incorporate the limitations of previously filed claims 2, 11, 13, 21 and 22. As a result, claims 2, 11, 13 and 22 have been withdrawn, without prejudice and claim 21 amended.

In addition claim 1 has been amended to include that the seat is pivotally mounted on the seat support on a laterally offset pivot axis. Support for this amendment is clearly shown in Figure 6 where the two mounting points 134, 136 are shown laterally offset, and the description at page 9, line 31 where the seat is described as having left hand and right hand mounting points.

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In claim 10 the wording has been clarified to overcome the objection that there was insufficient antecedent basis for the terms "said upper surface" and "said track retaining profile".

With respect to claim 17, the wording of original claim 17 has been copied into the disclosure at page 12, line 20. This merely conforms the specification to the application as originally filed, and is therefore not new matter. In addition, claim 17 has been amended to recite that the axial load is sized to improve the performance of the track under load. Support for this amendment may be found at page 12, line 23 of the application as originally filed.

With respect to claims 31 to 33 the term "moveable cam" has been replaced with the term latch which is used in various places in the specification and drawings to describe element 134.

#### **35 USC §112 Rejections**

The applicant respectfully traverses the Examiner's rejection of claim 16. The specification clearly recites at page 14, line 1 and again at page 14, line 5 that the "fifth screw 206 is used for compressing the track sections. The fifth screw is for preloading the track to improve its performance under load." The applicant respectfully submits therefore that this claim is adequately supported by the disclosure as originally filed.

The applicant has amended claim 17 to overcome the §112 rejection.

#### **The 35 USC §102 Rejection**

The Examiner rejected claim 1, 2, 28, 29, 31, 33, and 34 as being anticipated by Voves. In response the applicant has amended the claims to specifically recite that the rail includes a track, the track has plastic molded teeth shaped to engage a spiral drive, and the drive means includes a plastic spiral drive gear. All of these limitations are included in previously

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filed claims, 2, 11, 13, 21 and 22, and at page 8, line 9 wherein it provides that each tooth is provided with a thrust surface which matches to a surface of a drive thread of the spiral drive gear. The Examiner has indicated that claims 10 to 16 would be allowable if rewritten in independent for taking into account all of the limitations of the intervening claims. The applicant has not included all of the limitations, specifically the limitations of claim 10 are not included, but has added additional limitations which in combination with the ones incorporated from the allowable claims render the present invention patentably distinct from the prior art.

More specifically, the claim has been further amended to recite that the teeth are shaped to engage a spiral drive element. Although Gauger discloses a worm of plastic, it does not run along a plastic toothed track. Although Voves and Bartlett disclose teeth, they are not plastic nor shaped to engage a spiral drive as now claimed. No combination of the references teaches the applicant's invention as now claimed.

Furthermore, the claim recites that the seat is mounted to the seat support on a laterally offset pivot axis. In contrast, Voves teaches in column 6, lines 10 to 17, a downwardly depending cylindrical pivot shaft substantially midway (i.e. not laterally offset) between the horizontal portions of the side members, which defines a vertical axis around which the seat rotates. The seat assembly is one a tray structure which permits the cross plate upon which the seat is supported to slide into and out from the wall. In any position, the pivot axis of the seat swivel is located beneath the center of the seat. The central location of the pivot axis is a limitation, because it requires the use of the tray assembly to permit the seat to be moved far enough away from the wall to permit it to pivot.

In contrast, the applicant's invention as now claimed is directed to a seat which is mounted on an offset pivot axis. Depending upon whether it is a left hand or a right hand set up,

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the pivot axis will be offset to one or other of the sides. Due to this laterally offset mounting of the pivot axis, the applicant's seat is able to pivot out from the wall, without needing any form of sliding tray assembly as in the cited reference.

Thus, the applicants claimed combination of plastic teeth and spiral drive element with an offset pivot axis for the seat support is simpler, less costly and more light weight than the prior art.

Thus the applicant submits that none of the art, whether taken singly or in combination teach the combination of elements of the applicant's invention as now claimed. Therefore, all of the §103 rejections are believed to be moot in view of the amended claims.

Applicant requests that claims 1, 3-10, 12, 14-21, and 23-47 be allowed.

Respectfully submitted,

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Date: May 12, 2006

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